

BOARD OF SUPERVISORS COUNTY OF TUOLUMNE

October 2, 2012

9:00 a.m.

The Board of Supervisors of the County of Tuolumne, State of California, met in regular session on the foregoing date with Supervisors: Richard H. Pland, Chair, Randy Hanvelt, Vice Chair; Elizabeth Bass, Evan Royce, and John L. Gray, being present. Also present were County Administrator Craig L. Pedro; a representative from the Office of the County Counsel; and Alicia L. Jamar, Chief Deputy Clerk of the Board.

Absent: None

Supervisor Evan Royce led the Pledge of Allegiance.

Oral Comm-
TUD

Ron Ringen of Tuolumne Utilities District (TUD) Board of Directors, addressed the Board and gave an update on TUD events.

Oral Comm-EH
Septic System
and

Robert Kostlivy, Director of Environmental Health, addressed the Board on educating the public on onsite septic systems and announced an upcoming grey water workshop.

Oral Comm-
DSS

Jeff Chauvin addressed the Board on his experience with Avalon Health Care and Department of Social Services and Adult Protective Services.

Consent Calendar

On motion of Supervisor Bass, seconded by Supervisor Gray, the following items on the Consent Calendar were approved by unanimous vote.

Conflict of Interest
Sonora High Dist.

1. Approving the Amendment to the Conflict of Interest Code for the Sonora Union High School District.

Jamestown Area
Comm-Event

2. Waiving the vacating event for Jamestown Area Planning Commissioner Mary Stevens.

TC Local Child
Care & Dev.
Appt/Reappt.

3. Approving the appointment and reappointments to the Tuolumne County Local Child Care & Development Planning Council: Appointment of Holly Hutchins as the Child Care Provider representative; Reappointments of Michie Anderson as the Public Agency representative and Marcia Williams as the Discretionary Appointee with terms to expire June 30, 2014.

Area 12 Reappt.

4. Approving the reappointment of Marge Warner (Depew) to the Area 12 Agency on Aging Advisory Council for a term to expire September 30, 2015.

Minutes	<p>The Board considered approving the Minutes of the meeting held September 4, 2012.</p> <p>It was moved by Supervisor Hanvelt, seconded by Supervisor Bass, to approve the Minutes of the meeting of September 4, 2012 and carried by 3-0 vote with Supervisors Gray and Royce abstaining.</p>
Proclamation School Garden Week	<p>Debbie Powell and Alexis Halsted, Master Gardeners of Tuolumne County, requested consideration of proclaiming October 15-19, 2012 as California School Gardens week in Tuolumne County and responded to questions from the Board.</p> <p>On motion of Supervisor Hanvelt, seconded by Supervisor Royce, the following resolution was adopted by unanimous vote.</p> <p style="text-align: center;">Resolution No. 61-12</p> <p>Proclaiming October 15-19, 2012 as California School Gardens week in Tuolumne County</p>
Commendation- Eagle Scout Mele	<p>The Board considered approving a Certificate of Recognition to Tait James Mele for attaining the Eagle Scout Court of Honor.</p> <p>It was moved by Supervisor Hanvelt, seconded by Supervisor Gray, and carried by unanimous vote, to approve a Certificate of Recognition to Tait James Mele for attaining the Eagle Scout Court of Honor.</p> <p>The Chairman presented the Certificate of Recognition to Mr. Mele.</p> <p>Mr. Mele thanked the Board and his parents.</p>
TC Airports Business Plan	<p>Daniel Richardson, Deputy County Administrator, requested consideration of approving the Tuolumne County Airports Overview and Business Plan, and responded to questions from the Board.</p> <p>Jim Thomas, Airports Manager, responded to questions from the Board.</p> <p>It was moved by Supervisor Royce and seconded by Supervisor Gray, to approve the Tuolumne County Airports Overview and Business Plan.</p> <p>Craig Pedro, County Administrator, addressed the Board.</p> <p>Motion carried unanimously.</p>
RAC Project List	<p>Mr. Richardson requested consideration of accepting the Resource Advisory Committee (RAC) project funding list and responded to questions from the Board.</p> <p>It was moved by Supervisor Gray and seconded by Supervisor Bass, to accept the RAC project funding list.</p>

Mr. Richardson responded to questions from the Board.

Motion carried unanimously.

County Counsel
Recruit Process
(Cont'd)

Mr. Pedro requested consideration of approving a recruitment process for the position of County Counsel and responded to questions from the Board.

Discussion ensued.

Sarah Carrillo, Acting County Counsel and Mr. Pedro responded to questions from the Board.

Discussion ensued on the interview process.

The Chairman continued the matter to the later in the day to give the Board an opportunity to review the job description and salary.

Agree-Retainer
w/ L/O Downey
Brand Attys, LLP
(Legal)

Ms. Carrillo requested consideration of approving a Retainer Agreement with the Law offices of Downey Brand Attorneys, LLP to provide joint representation for the County of Tuolumne with other respondents in the lawsuit entitled Stephen Olmsted, et al., vs. Tuolumne County, et al., Tuolumne County Superior Court Case No. CV57612 and responded to questions from the Board.

It was moved by Supervisor Royce, seconded by Supervisor Hanvelt, and carried by unanimous vote, to approve a Retainer Agreement with the Law offices of Downey Brand Attorneys, LLP to provide joint representation for the County of Tuolumne with other respondents in the lawsuit entitled Stephen Olmsted, et al., vs. Tuolumne County, et al., Tuolumne County Superior Court Case No. CV57612, authorizing the County Counsel to sign.

Agree- Overland,
Pacific & Cutler
(Roads)

Duke York, Deputy Director of Roads for the Community Resources Agency (CRA) and Tanya Allen, Civil Engineer, requested consideration of approving an Agreement for Professional Services with Overland, Pacific, & Cutler, Inc. for services associated with acquiring right-of-way for the Buchanan Road Project in an amount not to exceed \$100,475, and responded to questions from the Board.

It was moved by Supervisor Royce, seconded by Supervisor Gray, and carried by unanimous vote, to approve a Agreement for Professional Services with Overland, Pacific, & Cutler, Inc. for services associated with acquiring right-of-way for the Buchanan Road Project in an amount not to exceed \$100,475, authorizing the Chair to sign.

The Board recessed at 10:19 a.m. and reconvened at 10:28 a.m.

Agree-AutoMon,
LLC (Case Mgmt)

Adele Arnold, Chief Probation Officer, requested consideration of approving a Contract with AutoMon, LLC, for case management application software, training and support, not to exceed the annual cost of \$121,000 and responded to questions from the Board.

Mr. Pedro addressed the Board.

It was moved by Supervisor Royce, seconded by Supervisor Hanvelt, and carried by unanimous vote, to approve a Contract with AutoMon, LLC for case management application software, training and support, not to exceed the annual cost of \$121,000, authorizing the Chair to sign.

Grant-TNT
Marij Suppression

James Mele, Sheriff/Coroner, requested consideration of approving the 2012/13 Tuolumne Narcotics Team (TNT) Marijuana Suppression Program Grant Application in the amount of \$186,494 and responded to questions from the Board.

Mr. Pedro addressed the Board.

It was moved by Supervisor Gray, seconded by Supervisor Royce, and carried by unanimous vote, to approve the 2012/13 Tuolumne Narcotics Team (TNT) Marijuana Suppression Program Grant Application in the amount of \$186,494, authorizing the Sheriff to sign.

CSAC Board of
Directors Appt

The Board considered approving an appointment to the California State Association of Counties (CSAC) Board of Directors for the 2013 Association year. Discussion ensued.

Supervisor Bass nominated Supervisor Gray.

Nomination died for lack of a second.

Ms. Carrillo responded to questions from the Board.

Supervisor Hanvelt nominated Supervisor Royce.

Nomination died for lack of a second.

Mr. Pedro addressed the Board.

Discussion ensued.

It was moved by Supervisor Royce and seconded by Supervisor Gray, to approve the appointment of Supervisor Hanvelt as the representative and Supervisor Gray as the alternate to serve on the CSAC Board of Directors for 2013 Association year.

Discussion ensued.

Motion carried by 4-1 vote with Supervisor Bassi dissenting.

TCOC 17.49.050

The Board considered the second reading of an Ordinance to amend § 7.49.050 of the Tuolumne County Ordinance Code to allow up to 15 dwelling units per acre

on land along the southwest side of Parrotts Ferry Road between Springfield Road and Highway 49 that is within 750 feet of the Parrotts Ferry Road right-of-way to be consistent with the Tuolumne County Airport Land Use Compatibility Plan.

Mike Laird, Deputy CRA Director, presented the staff report responded to questions from the Board.

Sharon Marovich of the Tuolumne Heritage Committee, addressed the Board.

Mr. Laird responded to questions from the Board.

Title having been read and reading waived, it was moved by Supervisor Pland, and seconded by Supervisor Hanvelt, and carried by unanimous vote to adopt the following ordinance.

Ordinance No. 3206

Amending Section 17.49.050 of the Tuolumne County Ordinance Code to allow up to 15 dwelling units per acre on land along the southwest side of Parrotts Ferry Road between Springfield Road and Highway 49 that is within 750 feet of the Parrotts Ferry Road right-of-way to be consistent with the Tuolumne County Airport Land Use Compatibility Plan.

Reports-Bass

Supervisor Bass reported that on September 22, 2012, she attended an event at the Sunrise Rotary Dog Park and the Sierra Apple Festival; on September 24th, she attended the Central Sierra Child Support Service Agency Board of Directors meeting via telephone conference and the Tuolumne County Youth Commission meeting; on September 25th, she attended the Tuolumne County Customer Service training; on September 27th, she attended the Hazard Household Waste Conference and the Day Reporting Center Graduation Ceremony; and on October 1st, she attended the Age of Champions movie.

Reports-Hanvelt

Supervisor Hanvelt reported that on September 18-21, 2012, he attended the Regional Council of Rural Counties (RCRC) annual conference; on September 25th, he met with constituents, attended the Sonora Are Foundation Open House and attended the Chamber reception; on September 26th, he met with staff; attended the Mother Lode Job Training and Work Force Investment Board; on September 27th, he toured TuCare and attended the candidates night; on September 28th, he attended the TuCare Summit, met with Larry Cope, Economic Development Director and attended a meeting at Sierra Pacific Industries (SPI); on September 29th, he attended Debi Russell's and Mark Bautista's wedding; on October 1st, he attended the Governmental Affairs Council (GAC) meeting; and on October 2nd, he met with constituents.

Reports-Royce

Supervisor Royce reported that on September 19, 2012, he held outside office hours, on September 20th, he attended the Planning Committee/Commission Task Force meeting and fund raiser at Houghton House; on September 21st, he attended the Tuolumne County Employee Appreciation Barbeque; on September 24th, he attended the Central Sierra Child Support Services Agency Board of

Director's meeting and a meeting regarding a potential community services district; on September 27th, he attended the Candidates Night; and on October 1st, he attended a meeting at Pinecrest Lake.

Reports-Gray

Supervisor Gray reported that on September 19, 2012, he attended meeting regarding Pine Mountain Lake and the Tuolumne County Visitor's Bureau meeting; on September 21st, he attended the Tuolumne County Employee Appreciation Barbeque; on September 24th, he attended the Board of Supervisors Airport Committee meeting, met with Mariposa County elected officials and staff; on September 26th, he held outside office hours in Groveland; on September 27th, he held outside office hours in Lake Don Pedro and attended the Museum Board of Director meeting; and on September 28th, he attended the Sierra Summit.

Reports-Pland

Supervisor Pland reported that on September 19-21, 2012, he attended the RCRC annual conference; on September 21st, he attended the Tuolumne County Employee Appreciation barbeque; on September 22nd, he attended the Eagle Scout Court Ceremony for Tait Mele; on September 24th, he attended the Board of Supervisors Airport Committee meeting and the RAC meeting; on September 25th, he attended the Sonora Area Foundation meeting and the Candidate's Night; on September 29th, he attended Debi Russell and Mark Bautista's wedding; and on October 1st, he attended a Pinecrest discussion; and reported on the status of the Biological Resources Review Guide (BRRG).

Reports-Pedro

Mr. Pedro reported on the status of the BRRG; on September 21st, he attended the Tuolumne County Employee Appreciation Barbeque; reported on the Google Map Applications on the Apple 5 phones for Tuolumne County; he attended a meeting regarding a potential meat processing facility in Tuolumne County; he reported on the Affordable Care Act; the Cal Fire Amendments and Groveland Community Services District (GCSD); the inclusionary ordinance; and paving at Dodge Ridge Road.

Reports-County Counsel

Carlyn Drivdahl, Deputy County Counsel, reported on the status of the BRRG; on September 21, 2012, she attended the Tuolumne County Employee Appreciation Barbecue; on September 24th, Ms. Carrillo gave a Brown Act Training to the Tuolumne County Youth Commission and attended the Day reporting Center Graduation Ceremony.

Reports-Jamar

Alicia Jamar, Chief Deputy Clerk of the Board, reported that on September 21, 2012, she attended the Tuolumne County Employee Appreciation Barbeque; and on September 24th, she clerked the Tuolumne County Youth Commission meeting.

Closed Session

The Board recessed at 11:15 a.m., to Closed Session: **1) Conference with Labor Negotiators:** Craig Pedro, County Administrator; Bill Morse, Human Resources/Risk Manager; and Ann Fremd, Sr. Administrative Analyst (Authority: Government Code Section 54957.6) - All Bargaining Units; and **2) Conference with Legal Counsel - Existing Litigation:** (Authority: Government Code § 54956.9(a)) - Richard Ennis vs. County of Tuolumne, Sheriff Deputy Roe

Thompson, et al., Tuolumne County Superior Court Case No. CV57664, reconvening at 1:30 p.m. the Chair that:

It was moved by Supervisor Hanvelt, seconded by Supervisor Gray, and carried by unanimous vote, to authorize the County Counsel to defend the County, and any named employees, in the matter of Richard Ennis v. County of Tuolumne, et al.; Tuolumne County Superior Court, Case No. CV57664, a slip and fall personal injury action, and submit the matter for determination of insurance coverage and tender of defense to CSAC-EIA.

Air Pollution
Control Budget
2012/13

The Board of Supervisors recessed and reconvened as the Air Pollution Control Board at 1:31 p.m.

Public hearing was declared open to consider adopting the Air Pollution Control Budget for fiscal year 2012/13.

Vicki Helmar Agricultural Commissioner/Animal Control Director, presented the staff report.

No one wished to speak, the public hearing was declared closed.

It was moved by Supervisor Gray, seconded by Supervisor Hanvelt, and carried by unanimous vote, to adopt the Air Pollution Control Budget for fiscal year 2012/13.

The Air Pollution Control Board recessed and reconvened as the Board of Supervisors at 1:33 p.m.

RZ-Stutzman

Public hearing was declared open to consider **Stutzman, Barbara and Donald**, Special Ordinance amending Section 17.06.020 of the Tuolumne County Ordinance Code by establishing the boundaries of Zoning Districts under the Tuolumne County Uniform Zoning Ordinance by rezoning 5.0± acres to MU:D:PD:MX:AIR, 21.4± acres to RE-2:PD:MX:AIR and 11.3± acres to O:PD:AIR, located at 21645 Parrotts Ferry Road, APN 35-010-73.

Mr. Laird addressed the Board.

Adam Paszkowski, Community Resources Agency Senior Planner, presented the staff and responded to questions from the Board.

Barbara Stutzman spoke in favor.

Mr. York and Mr. Paszkowski responded to questions from the Board.

No one else wished to speak, the public hearing was declared closed.

It was moved by Supervisor Bass, seconded by Supervisor Gray, and carried by unanimous vote, to approve: 1) Negative Declaration prepared for this project

based upon the following findings: **A)** The proposed project will not result in significant adverse impacts to the environment; **B)** The Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA) and State and County guidelines for the implementation of CEQA; **C)** The Negative Declaration reflects the independent judgment of the County of Tuolumne; **D)** Pursuant to Section 21081.6(a)(1) of the Public Resources Code, a reporting and/or monitoring plan has been prepared, as incorporated into the conditions of approval of Tentative Parcel Map 03T-44(5), in order to avoid significant effects on the environment; **E)** The conditions of approval of Tentative Parcel Map 03T-44(5) are roughly proportional to the respective potential environmental impacts associated with the proposed project; **F)** Pursuant to Section 21081.6(a)(2) of the Public Resources Code, the custodian and location of the documents and materials which constitute the record of proceedings upon which this decision to adopt the Negative Declaration had been made are as follows: **i)** Clerk of the Board of Supervisors, 2 South Green Street, Sonora, California; **ii)** Environmental Coordinator/Community Resources Director, Tuolumne County Community Development Department, 48 West Yaney, Sonora, California; **iii)** Air Pollution Control Office, 22365 South Airport Road, Sonora, California; **iv)** Fire Prevention Bureau, Tuolumne County Fire Department, 48 West Yaney, Sonora, California; **2)** zone change to MU:D:PD:MX:AIR, RE-2:PD:MX:AIR and O:PD:AIR, finding that: **A)** The proposed Zone Change is consistent with the Tuolumne County General Plan; **B)** The proposed Zone Change is in accordance with the Tuolumne County Ordinance Code; and **C)** The project site is suited to the uses permitted under the proposed zoning districts and adopted the following ordinance.

Ordinance No. 3207

A special ordinance amending Section 17.06.020 of the Tuolumne County Ordinance Code by establishing the boundaries of zoning districts under the Tuolumne County Uniform Zoning Ordinance.

RZ-McDonald

Public hearing was declared open to consider **McDonald, Heidi and Malcolm**, Special Ordinance amending Section 17.06.020 of the Tuolumne County Ordinance Code by establishing the boundaries of Zoning Districts under the Tuolumne County Uniform Zoning Ordinance by rezoning (03RZ-22) 3.0+ acres to RE-2:D:MX:AIR and 3.0+ acres to O:AIR, located approximately 100 feet from the intersection of Sawmill Flat Road and Parrotts Ferry Road, APN 33-040-31.

Mr. Paszkowski presented the staff report and responded to questions from the Board.

No one wished to speak, the public hearing was declared closed.

It was moved by Supervisor Bass, seconded by Supervisor Gray, and carried by unanimous vote, to approve: **1)** Negative Declaration prepared for this project based upon the following findings: **A)** The proposed project will not result in significant adverse impacts to the environment; **B)** The Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA) and

State and County guidelines for the implementation of CEQA; **C)** The Negative Declaration reflects the independent judgment of the County of Tuolumne; **D)** Pursuant to Section 21081.6(a)(1) of the Public Resources Code, a reporting and/or monitoring plan has been prepared, as incorporated into the conditions of approval of Tentative Parcel Map 03T-44(5), in order to avoid significant effects on the environment; **E)** The conditions of approval of Tentative Parcel Map 03T-44(5) are roughly proportional to the respective potential environmental impacts associated with the proposed project; **F)** Pursuant to Section 21081.6(a)(2) of the Public Resources Code, the custodian and location of the documents and materials which constitute the record of proceedings upon which this decision to adopt the Negative Declaration had been made are as follows: **i)** Clerk of the Board of Supervisors, 2 South Green Street, Sonora, California; **ii)** Environmental Coordinator/Community Resources Director, Tuolumne County Community Development Department, 48 West Yaney, Sonora, California; **iii)** Air Pollution Control Office, 22365 South Airport Road, Sonora, California; **iv)** Fire Prevention Bureau, Tuolumne County Fire Department, 48 West Yaney, Sonora, California; **2)** zone change to RE-2:D:MX:AIR and O:AIR, finding that: **A)** The proposed Zone Change is consistent with the Tuolumne County General Plan; **B)** The proposed Zone Change is in accordance with the Tuolumne County Ordinance Code; and **C)** The project site is suited to the uses permitted under the proposed zoning districts and adopted the following ordinance.

Ordinance No. 3208

A special ordinance amending Section 17.06.020 of the Tuolumne County Ordinance Code by establishing the boundaries of zoning districts under the Tuolumne County Uniform Zoning Ordinance.

(Cont'd)
County Counsel
Recruit Process

The Board continued consideration of approving a recruitment process for the position of County Counsel with the review of the job description and salary survey of comparable and adjacent counties.

Mr. Pedro presented the updated staff report and responded to questions from the Board.

Discussion ensued on changes to the Class Specification.

Ms. Drivdahl responded to questions from the Board on the examples of duties of the County Counsel.

Mr. Pedro presented the staff report on proposed salary range for the County Counsel and responded to questions from the Board.

Board consensus to advertise the position at the current salary with the notation the salary is under review and the Class Specifications will be reagentized under consent calendar at the Board of Supervisors meeting on October 16, 2012.

It was moved by Supervisor Gray, seconded by Supervisor Bass, and carried by unanimous vote, to approve the process for recruiting for the position of the

County Counsel as follows: **1) Conduct Recruitment:** using the Tuolumne County Human Resources Division with oversight by the County Administrator; **2) How the Position is advertised:** Using all advertising types indicated in the staff report and others intended to reach private attorneys; **3) How Applicants are screened:** The County Administrator and Human Resources Manager will do the initial screening based on the minimum qualifications for the job and experience; and **4) How the Applicants are Interviewed:** Using a two-step process: **a)** a panel including sitting and/or retired county counsels, city attorneys and a member of the Tuolumne County Bar Association will conduct an initial interview to screen the number of applicants down to 3-5; and **b)** the Board of Supervisors will conduct a final round of interviews of the top 3-5 candidates. The County Administrator will be allowed to sit in as an observer on all interviews but could be excused during a portion of candidate interviews with the Board; **5) Background and Reference Checks:** Will be conducted by the County Administrator and/or Human Resources Manager only on the Board's top candidate; and **6) Time Line:** Using the timeline generally outlined in the staff report with an anticipated hire date of March 13, 2013. The Board will be able to review and affirm or modify the recommendations from the initial screening and panel interview before moving to the next respective phase of the recruitment.

Closed Session

The Board recessed at 2:19 p.m., to Closed Session: **Conference with Labor Negotiators:** Craig Pedro, County Administrator; Bill Morse, Human Resources/Risk Manager; and Ann Fremd, Sr. Administrative Analyst (Authority: Government Code Section 54957.6) - All Bargaining Units, reconvening at 3:48 p.m., the Chair announced there was nothing to report and adjourned the meeting to the next regular meeting scheduled for October 16, 2012, at 9:00 a.m.

APPROVED:



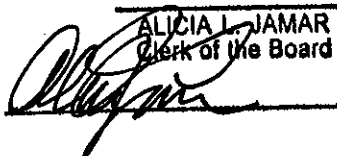
RICHARD H. PLAND, CHAIR

ATTEST:



Alicia L. Jamar, Chief Deputy
Clerk of the Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

By: 
ALICIA L. JAMAR
Clerk of the Board